

## **Minutes of the Special and Regular City Council Meeting, July 13, 2004**

**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

### **SPECIAL MEETING**

#### **CLOSED SESSIONS – 7:00 P.M.**

Conference with Labor Negotiator, Jere A. Kersnar, pursuant to Government Code Section No. 54957.6:

MMCEA

Attended by Councilmembers Feierbach, Mathewson, Warden, Metropulos, Assistant City Manager Rich, City Attorney Savaree, Human Resources Director Dolan, Labor Negotiator Lee Finney, Councilmember Bauer and City Manager Kersnar were absent, and City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:20 P.M., this Closed Session was adjourned.

This meeting not tape-recorded or videotaped.

Terri Cook

City Clerk

#### **CALL TO ORDER - 7:30 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Feierbach, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: Bauer

Staff Present: Assistant City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

### **SPECIAL PRESENTATIONS**

#### **Presentation from Sister City delegation visit to Namur, Belgium.**

City Clerk Cook described the recent trip to Belgium, in which she was a member of a delegation of twenty-four members. She stated that the delegation had been warmly received, and that they had become gracious ambassadors on behalf of the City of Belmont. She shared a few photos of Namur, of the Mayors office, and of the delegation, and noted that Namur is a beautiful medieval city. She presented items be added to the Namur display cabinet at City Hall, and gave the Mayor a newly published book on Namur. She introduced members of the audience who had participated in the delegation.

**Beverly Buhs**, of Millbrae, stated that she was honored to participate and to become an ambassador for the City, and thanked City Clerk Cook for her efforts. She also stated that Sister Cities are important for international relationships.

Mayor Metropulos thanked the delegates on behalf of the City, and he encouraged people to visit the Namur display at City Hall.

### **REPORT FROM CLOSED SESSION**

Mayor Metropulos stated that direction had been given, but no action taken, on the Closed Session held earlier.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Ted Brown**, Academy Drive, submitted a petition from his neighborhood (on file in Clerk's office) requesting removal of the parking restrictions on their street. He stated that when the parking restrictions were enacted several years ago, the Police Department promised they would not tag cars, and now they have begun to do so. He added that people had a right to park in front of their own home.

Public Works Director Davis stated that this issue was already scheduled for the July 27 Council meeting.

Councilmember Feierbach responded that this restricted parking had been put in place as a result of a request of the neighbors who complained about workers from nearby businesses parking all day in front of their homes.

**Steven Eckert**, Oak Knoll Drive, stated that he received a letter from the City Attorney's office regarding his request for a waiver of his appeal hearing fee. He filed a claim for the refund of the fee, which was rejected, and he has not received an answer to his question regarding the criteria used to reject. He noted that he would withdraw his Public Records request if he received an answer to his question.

**Mary Morrissey-Parden**, on behalf of the Belmont Chamber of Commerce, announced the Chamber-sponsored second annual Community Faire on August 7. She stated that the proceeds would be used for the Chamber's scholarship fund.

**Linda Chiochios**, Branch Manager, Belmont Library, announced that the Belmont Library would be closing on August 8 in anticipation of the site work to begin on the new library. She stated that neighboring libraries would be available during the construction phase, and that the existing collections would go into storage.

Mayor Metropulos made the following announcements:

1. The State of California's Budget was not yet adopted. He encouraged people to call their local legislators to urge passage.
2. He attended the recent "Dads Count" breakfast, hosted by County Supervisor Jerry Hill.
3. Sabrina, an 11-year-old, has contacted him regarding "Positively Good News", a publication she is writing. He commended her initiative.
4. He attended a recent VOICES meeting, which is an organization of Belmont teens. He noted that this youth group is very involved in community events such as the AIDS walk, Relay-for-Life, among others. He noted that there is a waiting list to be a member of VOICES.

### **AGENDA AMENDMENTS**

The Mayor announced that a member of the public requested the removal from the Consent Calendar of Item 4-C (Resolution Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for Bus Routes Rehabilitation - Various Streets Phase II, O'Grady Paving, Inc., City Contract Number 451), and that Councilmember Feierbach requested the removal of Item 4-E (Resolution authorizing the Belmont Police Department to accept a grant of \$37,000.00 from the California State Office of Traffic Safety, as a participating agency in the San Carlos-Belmont Student Safety Zones Project), for separate consideration.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Acceptance of** Written Communication: 1) Notice of Application of Change in Electric Rates for all Customers Classes, dated June 30, 2004; 2) Southern California Edison Company's Annual Report of 2003 Activities filed with the PUC, dated July 1, 2004.

**Approval of** Resolution 9558 Establishing the Annual Special Tax For Community Facilities District No. 2000-1 (Library Project) For Fiscal Year 2004-05 And Requesting that the County of San Mateo Collect The Special Tax On The Real Estate Tax Rolls.

**Approval of** Resolution 9559 approving Memorandum of Understanding between the City of Belmont and AFSCME Local 829, AFL-CIO.

**Approval of** Resolution 9560 Authorizing the Belmont Police Department to accept a grant of \$2,496 from the California State Office of Traffic Safety, as participating agency in the County Wide Driving Under the Influence Campaign - Avoid the 23.

**Approval of** Resolution 9561 Approving Response to Recommendation of the San Mateo County 2003-2004 Civil Grand Jury Workplace Relationship Policies Report.

**Approval of** Resolution 9562 Approving Response to Recommendations of the San Mateo County 2003-2004 Grand Jury Narcotics Investigation Report and the Sexual Assault Cases in San Mateo County.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Consent agenda, as amended, was unanimously approved by a show of hands (Bauer, absent).

#### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

**Resolution Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion for Bus Routes Rehabilitation - Various Streets Phase II, O'Grady Paving, Inc., City Contract Number 451.**

**Chuck Horton**, Chula Vista Drive, stated that this item was not ready for completion. He stated that Escondido Drive had been used for stockpiling of materials, and tractors made gouges in the road. He also noted that, although the lines had been chalk-marked, the crosswalks had not been painted, and the stop sign marking was smudged. He described mismatched areas of pavement.

Public Works Director Davis stated that these items were on the contractors "punch list", and would be completed before the Notice of Completion would be fully executed. He added that very often there are items yet to be completed at the time Council is asked to adopt these resolutions.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, and unanimously approved by a show of hands (Bauer absent) to continue action on this matter, pending completion of the punch list.

**Resolution Authorizing the Belmont Police Department to accept a grant of \$37,000.00 from the California State Office of Traffic Safety, as a participating agency in the San Carlos-Belmont Student Safety Zones Project.**

Councilmember Feierbach stated that she recently learned about a program in the City of Pleasanton whereby signals are adjusted to red if in-pavement sensors ahead of the signal note excessive speed. Public Works Director Davis described how this program works, and noted that it has had mixed results.

Councilmember Warden expressed safety concerns regarding bicyclists getting stuck in intersections, and pedestrians attempting to race the crosswalk countdown. He added that there are no safety statistics for this program, and his goal is to provide safer intersections. Public Works Director Davis responded that the countdown program gives more information to pedestrians than the current "Walk/Don't Walk" lights.

In response to Councilmember Mathewson, Public Works Director Davis described the differences in incandescence, glare, and maintenance costs for the various types of lighting in signals.

In response to Council questions, Public Works Director Davis stated that the grant had been received, and that City staff would perform the installation as part of the normal maintenance cycle.

**Action:** On a motion by Councilmember Feierbach, seconded by Councilmember Warden, Resolution 9563 Authorizing the Belmont Police Department to accept a grant of \$37,000.00 from the California State Office of Traffic Safety, as a participating agency in the San Carlos-Belmont Student Safety Zones Project was unanimously approved by a show of hands (Bauer absent).

Councilmember Warden requested statistical safety data for similar items in the future.

## **HEARINGS**

**Public Hearing to consider an appeal filed on October 20, 2003, by Mr. Steven Eckert, regarding Planning Commission Action taken on October 8, 2003, denying a Variance to allow a proposed four-foot deck extension into the required 15-foot rear yard for the Single Family Dwelling located at 1814 Oak Knoll Drive (App No. 01-0356), APN:044-064-080; Zoned R1-B (Single Family Residential).**

Councilmember Mathewson stated for the record that he would be recusing himself on this item for the reason that he lives within 500 feet of the subject property. Councilmember Mathewson then stepped away from the dais and left the meeting room.

Principal Planner de Melo stated that the Planning Commission voted 4-1 (with one recusal and one absence) to deny a variance for a deck extension at 1814 Oak Knoll Drive. He noted that since the applicant provided new material in his current appeal, the staff recommended referring the matter back to the Planning Commission for consideration of the new material. He clarified that as an alternative, the City Council could choose to hear the matter, if it so desired.

In response to Council questions, City Attorney Savaree stated that there is no pending litigation on this matter, and that Council has the authority either to hear the matter itself, or to refer it back to the Planning Commission.

Mayor Metropulos opened the Public Hearing to consider the procedural issue of whether the matter would be referred back to the Planning Commission, or be set for a future City Council meeting for full hearing.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Public Hearing on the procedural matter of which legislative body would hear the matter of the appeal was unanimously closed by a show of hands (3-0, Bauer absent, Mathewson recused).

Mr. Eckert spoke from the audience, stating that he had not had an opportunity to address this issue. City Attorney Savaree clarified past practice of the City Council that anyone wishing to speak on an item should fill out a speaker's slip.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Public Hearing regarding the procedural matter was unanimously reopened by a show of hands (3-0, Bauer absent, Mathewson recused).

**Steven Eckert**, Appellant, stated that the conditional settlement agreement provided for his submittal of additional evidence at a hearing before the City Council, which he had submitted.

City Attorney Savaree clarified that conditions of the previous litigation on this property issue provided for additional evidence to be presented, and she advised that it was within the purview of the City Council to decide whether to hear the matter itself, or refer it back to the Planning Commission for further consideration.

**Steven Eckert**, Appellant, stated that the Planning Commission was biased against him and that Commission members have made false statements about both his and his neighbor's properties. He added it was of no value to have them hear this matter. He commented that patterns and practices of the Planning Commission should be reviewed by the City Council. He questioned Councilmember Feierbach's ability to hear the matter as a Councilmember, since she made the motion to deny the variance when she was a Planning Commissioner.

Mayor Metropulos clarified that the issue was whether the matter would be heard by the City Council at a later date, or be referred back to the Planning Commission for further consideration.

Mr. Eckert responded that he would prefer that the Planning Commission consider the matter.

In response to Council questions, City Attorney Savaree clarified that because of new evidence submitted at the time of the previous appeal, the City Council had referred the matter back to the Planning Commission. She noted that the applicant has again submitted additional new evidence for the current appeal application that could be evaluated by the Commission, which is the basis of the staff recommendation. She also noted that a Councilmember is not required to recuse from a matter that was decided at the time he/she was a Planning Commissioner.

Councilmember Warden stated that this appeal should be heard by the City Council.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, and unanimously approved by a show of hands (3-0, Bauer absent, Mathewson recused), to continue the matter for full hearing by the City Council.

Councilmember Mathewson returned to the dais.

**RECESS: 8:55 P.M.**

**RECONVENE: 9:05 P.M.**

### **OLD BUSINESS**

#### **Consideration of a Resolution Approving an Amendment to the Conditions of Approval for 2518 Ralston Avenue (APN 043-322-650) to Allow Occupancy by Accepting a Letter of Credit as Additional Security for the Relocation of an Existing Joint Power Pole and Other Outstanding Roadway Improvements" (Cont. from 6/22/04).**

Public Works Director Davis stated that the applicant had submitted a letter of credit in the amount of \$40,000 as additional security for the relocation of the power pole, which would cover the cost of the work.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Feierbach, Resolution 9564 Approving an Amendment to the Conditions of Approval for 2518 Ralston Avenue (APN 043-322-650) to Allow Occupancy by Accepting a Letter of Credit as Additional Security for the Relocation of an Existing Joint Power Pole and Other Outstanding Roadway Improvements was unanimously approved by a show of hands (Bauer absent).

#### **Update on the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract No. 433**

Public Works Director Davis reviewed the history of the project. He noted that as a result of concerns raised by the school district, and input from meetings held with the Sterling Downs neighborhood, the surface-level bike path was realigned. He reviewed the proposed bike route, and reviewed the status of the project. He noted that State and Federal approvals were pending, and that the current cost estimate is \$4.4 million. He commented that previously escalating steel costs may be reduced in the near future. He noted that the City has letters of support from Sam Trans and from Oracle Corporation.

Public Works Director Davis reviewed funding sources, expenditures to date, total cost estimates and the schedule of future activities. He noted that grants were being sought for the funding gap. He also described similar bridges in other communities, and noted that this would be a signature project for the City of Belmont.

Councilmember Warden thanked staff for providing the updated information on this project.

In response to Council questions and comments, Public Works Director Davis stated there would be no demand for additional parking in the neighborhood, since the bridge would be used by commuters who take their bikes on the train or the bus. He added that the bridge, which will be completely fenced, would provide a safe crossing of Highway 101 for bikes and pedestrians. He also responded that the bridge was a focal point of neighborhood discussions, and clarified that those wishing to use the bridge will not be traversing through the neighborhood.

**Discussion and Direction regarding Letter of Support for "Transportation for Livable Communities" Grant Application**

Community Development Director Ewing stated that language in the sample letter provided with the staff report was based on Council direction at a prior meeting. Council concurred to send the letter as presented.

**MATTERS OF COUNCIL INTEREST/CLARIFICATION**

**Direction regarding senior/disabled discount for Comcast cable services (Warden)**

Councilmember Warden stated that as a result of a request of a Belmont resident, he was seeking Council support to request that Comcast provide a discount for seniors and disabled persons. He noted that there is no cost to ask, and he would also like to encourage other cities to make the same request.

Assistant City Manager Rich noted that SAMCAT was attempting to remove similar language from existing contracts. Councilmember Warden responded that this could change if other cities pass similar resolutions.

Council concurred to include a resolution of support for this discount to its next agenda for action.

**ADJOURNMENT** at this time, being 9:30 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #585